

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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U.S. DISTRICT COURT
COLUMBIA, SOUTH CAROLINA

2016 MAR -2 P 12: 24

Michael Lee Lide, #8344646678,

Plaintiff,

v.

Civil Action No. 1:15-2663-SB

ORDER

Chief Glenn Kirby, ETNL, (FCDC), Jail
Director; Dr. Lloyd Miller, MD (FCDC);
Chief Nurse Sharon Hazelden (FCDC);
Major Joey Norris (FCDC), Jail
Administrator; Capt. Joyce Brunson
(FCDC), Jail Administrator; T.E. Smith,
(Peon Turn-Key), FCDC,

Defendants.

This matter is before the Court upon Michael Lee Lide's pro se complaint, which alleges violations of his constitutional rights pursuant to 42 U.S.C. § 1983. In accordance with Local Rule 73.02(B)(2)(a), the matter was referred to a United States Magistrate Judge for preliminary review. On January 14, 2016, the Magistrate Judge issued an order granting the Defendants' motion for an extension to the deadline for filing dispositive motions, and the Clerk of Court mailed a copy of the order to the Plaintiff. However, on February 1, 2016, the order was returned to the Clerk's office with the envelope stamped "Return to Sender" and "Unable to Forward," with a handwritten note stating "Released."

In an order issued on July 31, 2015, the Magistrate Judge informed the Plaintiff of his responsibility to keep the Court apprised of any change in address. The order stated:

You are ordered to always keep the Clerk of Court advised in writing (United States District Court, 901 Richland Street, Columbia, South Carolina 29201) if your address changes for any reason, so as to ensure that orders and other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a

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deadline set by this court, your case may be dismissed for violating this order. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

(Entry 8.) Because the Plaintiff failed to keep the Court apprised of his current address, the Magistrate Judge issued a report and recommendation ("R&R") on February 2, 2016, recommending that the Court dismiss this action with prejudice in accordance with Federal Rule of Civil Procedure 41(b). On February 9, 2016, the R&R was returned to the Court marked "return to sender," "not deliverable as addressed," "unable to forward," and "released." To date, the Court has not received any update from the Plaintiff as to his change in address.

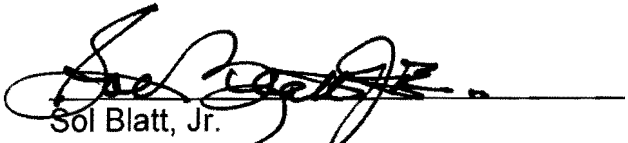
The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

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Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court **adopts the R&R** (Entry 34), and it is

ORDERED that this action is dismissed with prejudice in accordance with Rule 41(b) of the Federal Rules of Civil Procedure.

AND IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

February 29, 2016
Charleston, South Carolina

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